



**Benton County Planning Board
Public Hearing
Technical Advisory Committee Meeting**

June 5, 2013

6:00 PM

Benton County Administration Building
215 East Central Avenue

Meeting Minutes

PUBLIC HEARING:

Call to Order: The meeting was convened at 6:00 PM by Planning Board Chair Mark Curtis.

Roll Call: Mark Curtis, Ken Knight, Starr Leyva, Ashley Tucker, Jim Cole, John Pate, and Rick Williams were present.

Persons present in addition to the Board: Administrator of General Services John Sudduth, Chief Building Inspector Glenn Tracy, Planning Division Manager Rinkey Singh, and Planning Assistant Matt Benton. Two (2) members of the public were also present.

Disposition of Minutes: Mr. Tucker moved to approve the minutes. The motion was seconded by Mr. Cole, to approve the May 15, 2013 Planning Board Meeting Minutes. The motion carried 7-0

General Public Comment: None

Old Business: None

New Business: None

The Public Hearing ended at 6:02 PM.

TECHNICAL ADVISORY COMMITTEE

Call to Order: 6:03 PM

Old Business: None

New Business: None

Discussion: A.) Roberts Family Revocable Trust – John T. Roberts

Due to health issues, the applicant's proposal was presented on his behalf by Staff. Included in the proposal was a waiver of large scale development review.

The applicant proposed an animal auction located on 2.88 acres at 14121 South Hwy 59 in Siloam Springs. A 24'x36' pavilion and chicken pen currently sits on the property. A 30' driveway exists on the property that the applicant constructed after consultation with the Highway Department. Residential units exist to the north and east of the site. The south has existing commercial use and the east a combination of commercial and residential developments. Staff noted that minimal visual buffering existed on site.

Staff presented the details of the applicant's proposal. Bleachers would be constructed on each side of the pavilion. The applicant proposed an informal parking lot of 50-100 spaces which would remain unpaved and grassy. The auctions would be held twice a month on Thursday through Saturday, 10 AM to 5 PM, with Saturday being the day of the auction and the other days used for preparation. No electricity exists on site, but the applicant intends to use generators. No water exists either, so the applicant proposes using bottled water and portable toilets.

Staff noted that a flea market currently operates on the site, which is not part of the proposal. It is operated by a church group on the weekends. It was noted that the flea auction would not be held on the same day as the applicant's animal auctions.

Ms. Singh stated if a waiver was not granted the applicant would have to go through large sale review per the regulations. She added that a building permit would be required regardless of whether or not a waiver was given.

Questions from the Board: Mr. Pate asked if the property owner lives in the house to the west of the site. Ms. Singh replied that he did not. Mr. Pate asked if the person residing in the house had stated any objections to the proposal. Ms. Singh replied that she had not received any comments from the residents.

Ms. Leyva asked if the auction would be operated as a small-scale sale barn. Ms. Singh replied that it was her understanding that the facility would operate in a similar fashion.

Mr. Curtis asked if any commercial chicken houses existed nearby. Ms. Singh replied that she was not sure. Mr. Tracy commented that one did exist nearby. Mr. Curtis replied that potential spread of the avian bird flu would be a huge concern for him. Mr. Tucker noted that other disease concerns existed as well.

Ms. Leyva stated that the applicant would have to comply with the regulations governing the sale of animals.

Mr. Knight asked if the surrounding parcels were owned by the applicant. Ms. Singh replied that they were not. Mr. Knight stated he was concerned that this proposal would impact the entire neighborhood.

Mr. Curtis stated that the Board would want to review the proposal.

Mr. Curtis asked how the applicant got a concrete access approved off the Highway 59. Ms. Singh replied that the Highway Department offered to construct the access when improvements were being made in the area.

Ms. Singh stated she would ask the applicant to come in front of the Board. She added that she would further research the USDA requirements governing livestock auctions.

B.) Board of Adjustment and Appeals

Staff presented a new draft of the proposed regulations concerning appeals. The primary changes were to the organization of the section.

Comments from the Board: Ms. Leyva asked why the number of required copies of a plat had been changed from eight (8) to seven (7). Ms. Singh replied that she changed the number due to only having seven (7) copies required for submittal. She agreed, however, that eight (8) might be a more appropriate number.

Mr. Tucker asked where the latest draft of the regulations would be sent after being reviewed by the Board.

Mr. Curtis replied that the Legislative Committee would be the next body to provide comments.

Mr. Curtis asked the Board if they were in agreement on what they wanted an appeals board to look like. Each member stated that they were in agreement.

Mr. Sudduth argued that the proposed Quorum Court member serving on the appeals board should be allowed to vote. He added that a member of Staff should also serve as a non-voting member.

Mr. Pate stated that a registered, professional engineer should serve on the appeals board as well.

C.) In-Home Occupations

Ms. Singh noted that the name “In-Home Occupations” had been changed to “Home and Rural Family Occupation” on the second draft. She stated that the new name better reflects the rural context of Benton County.

The second draft of the in-home occupations section includes a list of criteria by which an application would be exempt from review.

Comments from the Board: Mr. Knight stated he was concerned that the latest draft would allow the parking of 10 vehicles. He said he was afraid that the provision would allow junk cars to be parked in front of homes.

Mr. Tucker stated that if parking was needed then an activity could not be considered an in-home occupation. He suggested the vehicle allowance be removed from the final draft. Ms. Singh replied that she was open to removing the provision or modifying the language to prevent the storage of junk cars.

D.) Adult-Oriented Businesses – Adopt A.C.A. 14-1-301

Ms. Singh suggested adopting Section 14-1-301 of Subchapter 3 of the Arkansas State Enabling Code which governs adult-oriented business in locations frequented by children.

Comments from the Board: Mr. Curtis suggested that the definitions remain in the section rather than in the definition category of the regulations.

Mr. Tucker asked if the proposed regulations governing adult-oriented business would be an exact copy of the State’s laws. Ms. Singh replied that the proposed County regulations would mirror those of the State.

Mr. Pate remarked that the 1000 foot requirement did not sound sufficient and asked how Staff came about that figure. Ms. Singh replied that it was adopted from the State Code.

Mr. Sudduth stated that the County should adhere as closely as possible to the State Regulations.

Mr. Cole asked what the current distance requirement was for liquor stores. Ms. Singh replied that she was unsure and would have to research the question.

E.) Sports Shooting Ranges and Sporting Facilities

Comments from the Board: Mr. Tucker suggested adding a design standard that is certified by a registered professional engineer. Ms. Singh replied that she would add a design standard to the final draft.

Mr. Sudduth asked the Board when they would be ready to present a working draft of the proposed regulations to the Legislative Committee. Mr. Knight commented that in his opinion 95% of the work on the current draft had been completed.

Staff Updates: Staff announced that Amber Beale had been hired as the new Planning Coordinator.

The meeting adjourned at 7:24 PM.